

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 93-415-C - ORDER NO. 93-1098 *lc*  
DECEMBER 2, 1993

IN RE: Application of Lang EDP Corporation for	)	ORDER
a Certificate of Public Convenience and	)	APPROVING
Necessity to Provide Resold	)	CERTIFICATE
Telecommunications Services Within the	)	
State of South Carolina.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application of Lang EDP Corporation (Lang or the Company) requesting a Certificate of Public Convenience and Necessity authorizing it to provide resold telecommunications services in the State of South Carolina. Lang's Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 1992) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed Lang to publish a prepared Notice of Filing, one time, in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of Lang's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. Lang complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. A Petition to Intervene was filed by Southern Bell Telephone and Telegraph Company (Southern Bell). Southern Bell subsequently filed a

Motion to Withdraw from this proceeding, and Southern Bell was allowed to withdraw its intervention in Order No. 93-1071 dated November 24, 1993.

Neil Lang, President of the Company, submitted verified testimony and an affidavit on behalf of the Company. Mr. Lang explained the Company's request for authority to provide direct dial long distance service using the resold transmission services of certificated carriers in South Carolina. He stated that the Company planned to utilize the long distance facilities of AT&T. Mr. Lang stated that the Company plans to offer its services, which include "1+" direct dial toll services and calling card services, to small to medium-sized business customers throughout the state. According to Mr. Lang, the Company will not provide operator services. Mr. Lang also explained the Company's financial resources and stated that he believes the Company has the necessary resources to provide its services in South Carolina. Mr. Lang testified that the Company has no plans to provide 900 services. Also, customers will be billed directly by AT&T, and all billing errors and complaints will be handled by AT&T.

Mr. Lang further submitted that the Company will provide an additional choice for consumers by increasing the level of long distance competition in South Carolina. Mr. Lang submits that the increased level of competition in the market would benefit the consumers by reduced prices and improved service quality. Additionally, Mr. Lang offers that the increased competition would provide consumers with a wider selection of products and services from which to choose.

After full consideration of the applicable law, the Application, and testimony and affidavit presented by Lang the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. Lang is incorporated under the laws of the State of New Jersey, and is licensed to do business as a foreign corporation in the State of South Carolina by the Secretary of State.

2. Lang operates as a non-facilities based reseller of interexchange services and wishes to do so in South Carolina.

3. Lang has the experience, capability, and financial resources to provide the services as described in its Application.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Lang to provide intrastate service through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Services (MTS), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. The Commission adopts a rate design for Lang for its resale services which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re:

Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984). The Commission adopts Lang's proposed maximum rate tariffs.

3. Lang shall not adjust its rates below the approved maximum level without notice to the Commission and to the public. Lang shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level reflected in the tariff which would be applicable to the general body of Lang's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 1992).

4. Lang shall file its tariff and an accompanying price list within thirty (30) days of the date of this Order. Further, the tariff shall be filed with the Commission in a loose-leaf binder.

5. Lang is subject to access charges pursuant to Commission Order No. 96-584, in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

6. With regard to Lang's resale of service, an end user should be able to access another interexchange carrier or operator service provider if they so desire.

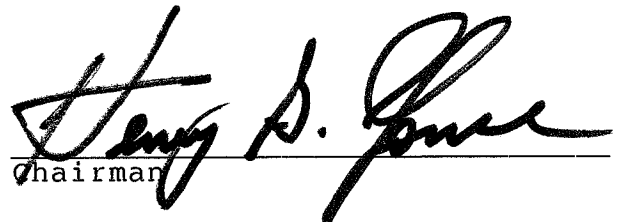
7. Lang shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Lang changes underlying carriers, it shall notify the Commission in writing.

8. Lang shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993).

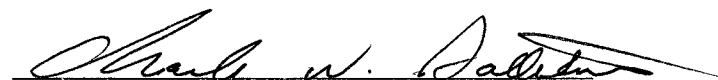
9. Lang shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports is indicated on Attachment A.

10. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)

ANNUAL INFORMATION ON SOUTH CAROLINA OPERATIONS  
FOR INTEREXCHANGE COMPANIES AND AOS'S

- (1) SOUTH CAROLINA OPERATING REVENUES FOR THE 12 MONTHS ENDING DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.
- (2) SOUTH CAROLINA OPERATING EXPENSES FOR THE 12 MONTHS ENDING DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.
- (3) RATE BASE INVESTMENT IN SOUTH CAROLINA OPERATIONS\* FOR 12 MONTHS ENDING DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.

\*THIS WOULD INCLUDE GROSS PLANT, ACCUMULATED DEPRECIATION, MATERIALS AND SUPPLIES, CASH WORKING CAPITAL, CONSTRUCTION WORK IN PROGRESS, ACCUMULATED DEFERRED INCOME TAX, CONTRIBUTIONS IN AID OF CONSTRUCTION AND CUSTOMER DEPOSITS.

- (4) PARENT'S CAPITAL STRUCTURE\* AT DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.

\*THIS WOULD INCLUDE ALL LONG TERM DEBT (NOT THE CURRENT PORTION PAYABLE), PREFERRED STOCK AND COMMON EQUITY.

- (5) PARENT'S EMBEDDED COST PERCENTAGE (%) FOR LONG TERM DEBT AND EMBEDDED COST PERCENTAGE (%) FOR PREFERRED STOCK AT YEAR ENDING DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.
- (6) ALL DETAILS ON THE ALLOCATION METHOD USED TO DETERMINE THE AMOUNT OF EXPENSES ALLOCATED TO SOUTH CAROLINA OPERATIONS AS WELL AS METHOD OF ALLOCATION OF COMPANY'S RATE BASE INVESTMENT (SEE #3 ABOVE).